

REMARKS

Claims 1-33 are pending in the present application. Reconsideration of the claims is respectfully requested.

I. Allowable Subject Matter

Applicants thank Examiner Pesin for the allowance of claims 1-30. However, for the reasons set forth hereafter, Applicants respectfully submit that all of claims are directed to allowable subject matter and that the application is in condition for allowance.

II. 35 U.S.C. § 102(b), Alleged Anticipation, Claims 31-33

The Office Action rejected claims 31, 32, and 33 under 35 U.S.C. § 102(b) as allegedly being anticipated by Dalheimer et al. (Running Linux, 3rd Edition). This rejection is respectfully traversed.

As to claims 31, 32, and 33, the Office Action states:

In regards to claim 31, Dalheimer teaches, a method in a computer system, said method comprising the steps of: graphically presenting native Java applications within said computer system utilizing a graphical user interface (i.e. *"this edition offers introductions to PPP and to building Java programs on Linux"* Page 4, Since you can build Java programs on Linux, it is inherent that you would be able to execute the Java application in a window terminal); and graphically presenting native UNIX applications within said computer system utilizing said graphical user interface (i.e. *"Linux, a free implementation of Unix for Intel 386"* Page 1, Since Linux is based on Unix, it can run any Unix application in a window terminal), wherein Java applications and UNIX applications are presented by said computer system utilizing the same graphical user interface (i.e. since in Linux it is possible to have many open terminals, it is inherent in Linux that you can execute a Java native application and a Unix native application (such as Emacs) at the same time on the same graphical user interface).

Office Action dated August 12, 2004, pages 2 and 3.

Independent claim 31, which is representative of claims 32 and 33 with regard to similar subject matter, recites:

31. A method in a computer system, said method comprising the steps of:
graphically presenting native Java applications within said computer system utilizing a graphical user interface; and
graphically presenting native UNIX applications within said computer system utilizing said graphical user interface, wherein Java applications and UNIX applications are presented by said computer system utilizing the same graphical user interface.(emphasis added)

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 21 U.S.P.Q.2d 1031, 1034 (Fed Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). Applicants respectfully submit that Dalheimer does not teach every element of the claimed invention arranged as they are in claim 31. Specifically, Dalheimer does not teach that Java applications and UNIX applications are presented by the computer system utilizing the same graphical user interface.

As discussed in the Preface, Dalheimer is directed to provide installation, configuration, and tutorial information to be up-to-date with the latest Linux software distributions (including Red Hat, SuSE, and Debian) and many application packages (page 1). Dalheimer also discloses KDE, which brought a new, modern look-and-feel to the Linux desktop (page 2). In addition to new sections on KDE and Samba, Dalheimer offers introduction to PPP and to building Java™ programs on Linux (page 3).

However, Dalheimer does not teach that Java applications and UNIX applications are presented by a computer system utilizing the same graphical user interface. The Office Action alleges that since in Linux it is possible to have many open terminals, it is inherent in Linux that you can execute a Java native application and a UNIX native

application, such as Emacs, at the same time on the same graphical user interface. Applicants respectfully disagree.

While the Examiner alleged that it is possible to have many open terminals in Linux, there is no teaching or suggestion in Dalheimer of presenting Java and UNIX applications utilizing the same open terminal or graphical user interface. In fact, Dalheimer does not even mention how the Java and UNIX applications are presented in Linux. Dalheimer merely teaches how to build Java applications on Linux. Building Java applications is a different from presenting Java applications. Dalheimer also does not mention anything about presenting UNIX applications in the same graphical user interface as the Java applications. Since Dalheimer fails to teach how to present either Java applications or UNIX applications in Linux, Dalheimer would not teach presenting Java applications and UNIX applications utilizing the same graphical user interface. Therefore, Dalheimer does not expressly teach the features of claim 31 of the present invention.

In addition, Dalheimer does not inherently teach that Java applications and UNIX applications are presented by said computer system utilizing the same graphical user interface. According to MPEP 2112, Requirements of Rejection based on Inherency, "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.' (emphasis added)" *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999). "In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis added)

Thus, in order to establish inherency, presenting Java applications and UNIX applications utilizing the same graphical user interface has to necessarily flow from the teachings of Dalheimer. The mere possibility of presenting Java applications and UNIX applications utilizing the same graphical user interface is not sufficient. The Examiner

alleges that executing Java and UNIX applications at the same time in Linux is one possibility to execute Java applications in Linux. However, presenting Java and UNIX applications utilizing the same graphical user interface does not necessarily flow from executing Java and UNIX applications in Linux.

As one of ordinary skill in the art would understand, a Java application and a UNIX application may execute at the same time without being presented utilizing the same graphical user interface. In fact, any two applications may be executed in the same operating system at the same time without being presented in the same graphical user interface. Therefore, not only does presenting a Java application and UNIX application utilizing the same graphical user interface a mere possibility as suggested by the Examiner, it does not necessarily flow from executing a Java application and UNIX application in Linux that both Java and UNIX applications are presented utilizing the same graphical user interface. Therefore, Dalheimer does not inherently teach the features of claim 31 of the present invention.

Furthermore, Dalheimer is not concerned with presenting Java applications and UNIX applications utilizing the same graphical user interface in Linux. Dalheimer is only interested in teaching how to build Java applications on Linux. There is no mention of how to present Java applications or UNIX applications, let alone presenting Java applications and UNIX applications utilizing the same graphical user interface. Therefore, Dalheimer does not teach or suggest the features of claim 31 of the present invention.

In view of the above, Applicants respectfully submit that Dalheimer does not teach or suggest each and every feature recited in independent claim 31. Independent claims 32 and 33 recite similar subject matter also not taught or suggested by Dalheimer. Thus, Applicants respectfully request withdrawal of the rejection of claims 31-33 under 35 U.S.C. § 102(b).

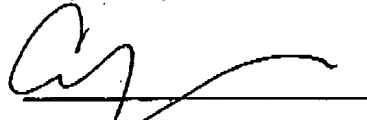
III. Conclusion

It is respectfully urged that the subject application is patentable over Dalheimer and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: 11/12/04

Respectfully submitted,



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